

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.340 OF 2006
WITH
CIVIL APPLICATION NO.426 OF 2006

Sumit S. Kamath. ..Appellant.

V/S.

MHADA & Ors. .. Respondents.

Mr.V.R.Tripathi i/b V.R.Tripathi & Association for
appellant.

Mr.A.R.Patil, AGP for respondent Nos. 1 and 2.

Mr.S.P.Kadam i/b M/s.Kadam & Co. for Respondent No.4.

CORAM: A.M.KHANWILKAR, J

DATE : JUNE 5, 2006.

P.C. :

1. Heard counsel for the parties.
2. After the matter was heard for quite some time, when I indicated my mind, counsel for the appellant on instruction of appellant, who is personally present in the court submits that the Court may not record reasons for disposing of this appeal, instead the Court may accept the offer given by the private respondent as is stated in paragraph-6 of the affidavit filed in January, 2006 before the trial Court that they are willing to provide Permanent Alternative Accommodation admeasuring

312.60 sq.ft.(carpet) upon plaintiff's handing over possession of old premises and shifting to the temporary alternative accommodation (transit camp). The appellant is willing to abide by that arrangement. In this view of the matter nothing would survive for consideration in the main proceedings filed before the trial court. Accordingly, the present appeal is dismissed as not pressed on accepting assurance given by the private respondent through counsel on instruction across the bar that private respondent (builder) will provide permanent alternative accommodation admeasuring 312.60 sq.ft.(carpet) to the appellant upon appellant's handing over the possession of the old premises and shifting to the temporary alternative accommodation (transit camp) forthwith. Construction of the proposed building is scheduled to be completed between 18-24 months as per the scheme. That assurance given on behalf of the private respondent is accepted. The appeal as well as civil application disposed of on the above terms.

3. It will be open to the parties to approach the trial Court for formal disposal of the suit pending before the Trial Court on the arrangement accepted by the parties as referred to above.